

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRANKLIN SIERRA-OLIVA,

Petitioner,

Case No. 1:05cv758

v.

Hon. Robert J. Jonker

SHIRLEY A. HARRY,

Respondent.

ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on December 4, 2008. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed December 4, 2008, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that pursuant to 28 U.S.C. § 1915(d), petitioner's habeas petition is DENIED. Rule 8, Rules Governing § 2254 cases in the United States District Court.

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

DATED: January 14, 2009.